

REMARKS

Claims 1-22 remain herein. No claims have been added or cancelled.

The instant response follows the personal interview with the Examiner on May 29, 2008.

As a result of that interview, all rejections based on James were considered overcome. Thus, the only pending rejection in the application is of claims 17-22 under 35 U.S.C. § 101 as non-statutory subject matter on the grounds that the claimed “physical computer-readable medium” could be the Internet, which includes wires.

As was expressed at the interview, and as set forth in the record, Applicants consider “physical computer-readable storage medium” to be a storage that can store information indefinitely. Such is magnetic, optical or semiconductor storage (or any storage as may be developed via future technologies). The Internet, which is a collective construct that includes multiple servers, has such storage (e.g., hard disks on servers) and is thus collectively a physical computer readable storage medium as claimed.

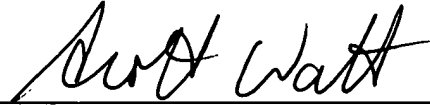
However, Applicants do not claim (expressly or implicitly through language in the specification), that a “physical computer-readable storage medium” is simply a wire or fiber optic conduit on which a signal is traversing. A simple wire stores nothing, but is only a transient conduit for information to pass without any storage. The claim language “physical computer-readable storage medium” therefore does not encompass stand-alone wires, fiber-optics or other transient pathway media. To the extent that it would, Applicants expressly disclaim any such coverage of the “physical computer-readable storage medium.”¹

¹ The claim language may cover computer readable storage, that, as part of their structure and operation, include transient pathways such as wires. The claim language encompasses such computer readable storage as a collective whole.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 12492.0288). If there are any questions, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Date: June 9, 2008

Respectfully submitted,



Scott D. Watkins,
Reg. No. 36,715
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036-1795
Tel: (202) 429-6420
Fax: (202) 828-3658